IN THE HIGH COURT OFJUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 579 OF 2007
IN
GUARDIANSHIP PETITION NO. 65 OF 1999

Mrs Jayati P.Sonejee ... Petitioner
vs
Shri Narayan B.Sonejee .. Respondent

Mr.H.J.Lulia for Petitioner

Mr.M.N.Nikose for Respondent

CORAM :SMT ROSHAN .S.DALVI, J
DATE: 7th March, 2007

P.C.

1. This Guardianship Petition was filed by mother of the two minor children in respect of the declaration of her guardianship, custody of the children and for disclosure of the properties of her deceased husband. The Guardianship Petition was made absolute in terms of prayers (a) (b) and (d).

2. The petitioner is undoubtedly the legal guardian of the children. The custody of the children is with the petitioner. The respondent in this Notice of Motion has applied for reasonable access on

humanitarian grounds. The petitioner has opposed such reliefs being granted. The applicant is the grandfather of the child. The grandfather has no legal right to the child's custody. The grandfather therefore, cannot take out an application in the petition or after the petition is disposed of for any access to the children. Though this is an unfortunate position, since no legal right is shown in the applicant, no order for access can be passed.

3. An order in terms of prayer (d) has already been passed. The respondent in the petition who is applicant in this Notice of Motion has already been directed to disclose the properties of her deceased husband as well as about their claim before the M.A.C.T. Jaipur. The applicant has produced what his advocate calls, a summary of the property of the deceased from the ledger book maintained by the respondent. It is titled Balance Sheet as on1998-99. The petitioner is handed over the said statement. The

applicant has also produced a xerox copy of the certified copy of the order in M.A.C.T. at Jaipur dated 22nd September, 2004. A copy of the order is also handed over to the petitioner's advocate.

4. There shall be no order on the Notice of Motion. No order as to costs.

(Smt Roshan Dalvi, J)